



TO
ATT
\$

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Stefano FACCIN et al.

Art Unit: 2152

Serial Number: 09/731,758

Examiner: D. CHANKONG

Confirmation No.: 9624

Atty. Docket No.: 059864.00529

Filed: December 8, 2000

For: SYSTEM AND METHOD OF CONTROLLING APPLICATION LEVEL
ACCESS FOR SUBSCRIBER TO A NETWORK

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 27, 2007

Sir:

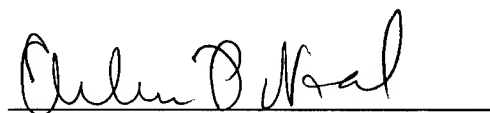
Applicants have received a Notice of Non-Compliant Amendment dated September 6, 2006. That Notice, a copy of which is attached, indicated that the brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order. Applicants submit, therefore, a corrected Appeal Brief including the items required under 37 CFR 41.37(c) under the proper heading and in the proper order.

As noted in the Notice, this submission of a corrected Appeal Brief is sufficient to cure the deficiency. It is therefore respectfully requested that the corrected Appeal Brief

filed herewith be entered, and that timely consideration on the merits be given to this application.

In the event that there are any fees due with respect to this paper, please charge Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Arlene P. Neal", is written over a horizontal line.

Arlene P. Neal
Registration No. 43,828

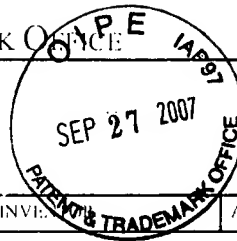
Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

APN:ksh

Enclosures: Copy of Notice of Non-Compliant Appeal Brief
Appeal Brief



UNITED STATES PATENT AND TRADEMARK OFFICE



44 APR

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,758	12/08/2000	Stefano Faccin	59864.00529	9624

32294 7590 09/06/2007

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/06/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/731,758

Examiner

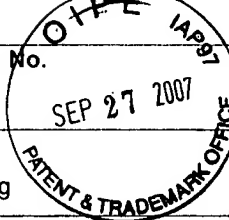
D. Chankong

Applicant(s)

FACCIN ET AL.

Art Unit

2152



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 08 August 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

DARLENE BROWN
PATENT APPEAL CENTER SPECIALIST

Continuation of 10. Other (including any explanation in support of the above items): The headings "issues", "grouping of claims" has been illuminated, please refer to 37 Cfr 41.37.

c(5) The heading "Summary of invention", should be "summary of claimed subject matter".

c(5) The summary of claimed subject matter does not map the independent claims(1,34,37,68,78,85) on appeal to the specification by page, and line numbers and to the drawings if any.

c(6) The grounds of rejection to be reviewed on appeal is not consistent with the final rejection (1/3/7).

c(7) The argument section should match the grounds section insomuch each heading corresponds with the argument section.

c(9) & c(10) The headings Evidence Appendix and Related Proceedings Appendix is missing if there are none an indication of "none" or "not applicable" is required..